

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:

**BRENT FRANKLIN GURLEY
TAMMY JACKSON GURLEY**

**CASE NO.: 16-03444-5-DMW
CHAPTER 13**

DEBTORS

MOTION TO DEEM MORTGAGE CURRENT

NOW COMES, Joseph A. Bledsoe, III Chapter 13 Trustee and hereby moves the Court for an Order declaring the Debtor's mortgage to Bank of America, N.A., subsequently assigned to Carrington Mortgage Services, LLC, its successors and/or assigns ("Carrington") current; and, in support of said Motion, shows unto the Court as follows:

1. The Debtors' Chapter 13 Plan was confirmed on September 19, 2016.
2. Carrington filed a claim in this case secured by the Debtors' residence. The trustee has disbursed a total of \$27,309.87 to Carrington representing contractual post-petition mortgage payments for the months of August, 2016 through October, 2020.
3. In addition to the contractual post-petition mortgage payments, Carrington was also allowed a pre-petition arrearage claim in the amount of \$1,319.00. This claim has been paid in full.
4. Carrington has advised the Trustee that the account is contractually current.
5. Other than as stated herein, Trustee is not aware of any other permissible fees, expenses or charges accruing on the Mortgage Loan from the Petition date through the date of this Motion that have not been paid.
6. Based on the foregoing information available to the Trustee, Carrington was served with a Notice of Final Cure Payment ("Notice") complying with Fed. R. Bank. P. 3002.1(f) and (g).
7. Carrington has filed a Response containing a statement agreeing with the information contained in the Trustee's Notice.
8. The claim of Carrington was allowed as a long-term nondischargeable debt pursuant to the provisions of 11 U.S.C. §1322(b)(5).
9. Carrington should be required to treat the Debtors' mortgage as reinstated and fully current in all obligations under the mortgage.

10. The Debtors have completed their plan.

WHEREFORE, the Trustee prays as follows:

1. That Carrington be required to treat the Debtor's mortgage as reinstated and fully current in all obligations under the mortgage as of October 31, 2020 with the balance of the loan as of November 1, 2020 determined to be \$13,247.56;
2. That this case be processed for closing; and
3. That the regular monthly payment due Carrington be paid directly by the Debtors beginning November 1, 2020.

Dated: December 11, 2020

/s/ Joseph A. Bledsoe, III
Joseph A. Bledsoe, III
Chapter 13 Trustee
PO Box 1618
New Bern NC 28563
(252) 633-0074
NC State Bar No.: 19817
chapter13@bledsoe13.com

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IN RE:

**BRENT FRANKLIN GURLEY
TAMMY JACKSON GURLEY**

**CASE NO.: 16-03444-5-DMW
CHAPTER 13**

DEBTORS

NOTICE OF MOTION

NOTICE IS HEREBY GIVEN of the Trustee's Motion to Deem Mortgage Current filed simultaneously herewith in the above captioned case; and

FURTHER NOTICE IS HEREBY GIVEN that this Motion may be allowed provided no response and request for a hearing is made by a party in interest in writing to the Clerk of this Court on or before January 4, 2021; and

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for a hearing is filed by a party in interest in writing the time indicated, a hearing will be conducted on the motion and response thereto at a date, time and place to be later set by the Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and response thereto ex parte without further notice. Any party filing an objection requesting a hearing, shall appear at said hearing or they may be taxed with Court costs.

DATE OF NOTICE: December 11, 2020

/s/ Joseph A. Bledsoe, III
Joseph A. Bledsoe, III
Chapter 13 Trustee
PO Box 1618
New Bern NC 28563
(252) 633-0074
NC State Bar No.: 19817
chapter13@bledsoe13.com

CERTIFICATE OF SERVICE

I, Joseph A. Bledsoe, III, Trustee of P.O. Box 1618, New Bern, NC 28563, do certify:

That I am and was at all times hereinafter referred to more than eighteen (18) years of age; and

That I have this day served a copy of Trustee's Motion to Deem Mortgage Current and Notice by depositing a copy of the same in a postage-paid envelope with the United States Postal Service or by electronic means, as indicated.

DEBTOR: Brent F. Gurley (via first-class mail)
Tammy J. Gurley
730 Rodell Barrow Road
La Grange, NC 28551

ATTORNEY: Robert E. Fuller, Jr. (via cm/ecf)
Attorney at Law

CREDITOR: Carrington Mortgage Services, LLC (via first-class mail)
Attn: Bank Officer/Managing Agent
P.O. Box 3730
Anaheim, CA 92806

Carrington Mortgage Services, LLC (via first-class mail)
Attn: Bank Officer/Managing Agent
1600 South Douglass Rd.
Anaheim, CA 92806

Shapiro & Ingle, LLP (via first-class mail)
Attn: Whitney Maxwell
10130 Perimeter Parkway. Ste. 400
Charlotte, NC 28216

DATED: December 11, 2020

s/Joseph A. Bledsoe, III
Joseph A. Bledsoe, III Trustee
Chapter 13 Trustee